



**MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES**

April 20, 1999

Dockets Management Branch (HFA-305)
U. S. Food and Drug Administration
5630 Fishers Lane
Room 1081
Rockville, MD 20852

**Re: Performance Standard for *Vibrio vulnificus*; Requests for Comments
[Docket No. 98P-0504]**

To whom it may concern:

The Mississippi Commission on Marine Resources in its regularly scheduled meeting of April 20, 1999 in Biloxi, Mississippi, unanimously adopted Resolution Number 42099 (Attached), regarding the performance standard for *Vibrio vulnificus*. An original copy of this resolution is also being mailed to the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Gordon", written over a horizontal line.

Scott Gordon, Biological Program Coordinator (Shellfish)
Office of Marine Fisheries
Department of Marine Resources

SG/sg

98P-0504

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**RESOLUTION
OF THE MISSISSIPPI COMMISSION ON MARINE RESOURCES**

RESOLUTION NUMBER 42099

WHEREAS, § 49-15-1 of the Mississippi Code of 1972, Annotated, provides that the public policy of this state shall be to recognize the need for a concerted effort to work toward the protection, propagation and conservation of its seafood and aquatic life in connection with the revitalization of the seafood industry of the State of Mississippi, which is one of the state's major economic resources and affords a livelihood to thousands of its citizens; and

WHEREAS, The Mississippi Commission on Marine Resources § 49-15-2 of the Mississippi Code of 1972, Annotated, provides that any fishery management plan, and any regulation promulgated to implement that plan or promulgated under the state seafood laws take into account the importance of fishery resources to fishing communities in order to provide for the sustained participation of the communities, and to the extent practicable, minimize adverse economic impacts on those communities; and

WHEREAS, The Mississippi Commission on Marine Resources is empowered by § 49-15-15 of the Mississippi Code of 1972, Annotated, to exercise full jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood, including cultivated seafood, to regulate all seafood sanitation and processing programs, to develop a resource management plan to preserve our seafood resources and to ensure a safe supply of these resources; and

WHEREAS, The Mississippi Commission on Marine Resources recognizes that oysters and other shellfish are a treasured natural resource for millions of Americans in every state; and

WHEREAS, The Mississippi Commission on Marine Resources believes that personal responsibility and care for one's own health and well-being are commonly agreed upon tenants of American life; and

WHEREAS, The Mississippi Commission on Marine Resources recognizes that important emerging technologies are now making it possible for consumers of oysters and other shellfish products to choose between traditional raw shellfish products and "treated" or pasteurized shellfish products in a competitive free market environment; and

WHEREAS, The Mississippi Commission on Marine Resources accepts that it is widely accepted by all parties involved that "treated" oysters will both fundamentally change the condition of raw oysters, and that such treatment would significantly raise the wholesale price of oysters; and

WHEREAS, The Mississippi Commission on Marine Resources finds it reasonable to expect in a free market economy that these higher prices will then be passed on to consumers, possibly resulting in a lower demand for oysters; and

WHEREAS, The Mississippi Commission on Marine Resources acknowledges that Mississippi's oyster industry is heavily populated by self-employed harvesters already operating on a limited incomes; and

WHEREAS, The Mississippi Commission on Marine Resources finds that lower consumer demand could further threaten the oyster industry of this state and the livelihoods of hundreds of area residents who are dependent on oyster harvesting for their own well-being; and

WHEREAS, The Mississippi Commission on Marine Resources is aware that the U. S. Food and Drug Administration has been asked to consider new rules which would force costly and unnecessary post-harvest treatment of oysters, placing product from Mississippi at a severe competitive disadvantage on the open market against product from other regions which will not be required to be treated in the same costly manner; and

WHEREAS, The Mississippi Commission on Marine Resources recognizes that Mississippi's oyster and shellfish industry have worked cooperatively with great success to educate consumers with certain health conditions and risks which may be affected by certain types of shellfish; and

WHEREAS, The Mississippi Commission on Marine Resources believes these education efforts have been highly successful in reducing health impacts when these efforts have been allowed to fully flourish; and

WHEREAS, The Mississippi Commission on Marine Resources finds that there have been no substantiated cases of shellfish related illnesses resulting from oysters harvested from any Mississippi reefs opened to harvest; and

WHEREAS, The Mississippi Commission on Marine Resources finds that through the cooperative efforts of the Mississippi Department of Marine Resources, the Mississippi Department of Wildlife, Fisheries and Parks, the University of Southern Mississippi's Institute for Marine Science, the Mississippi State Department of Health, the Mississippi Department of Environmental Quality, the U. S. Food and Drug Administration, the U. S. Coast Guard, the U. S. Environmental Protection Agency, the U. S. Geological Survey, the U. S. Weather Service, the Interstate Shellfish Sanitation Conference and the oyster industry of Mississippi, the quality, handling, processing and management of oysters harvested from opened Approved or Conditionally Approved Growing Areas of Mississippi has resulted in the finest, safest and most wholesome quality product available to consumers;


NOW, THEREFORE, BE IT RESOLVED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES THAT:

1. A copy of this RESOLUTION be forwarded to the U.S. Food and Drug Administration, the Congressional delegation of Mississippi, the Governor, and other state elected officials; and
2. The Mississippi Commission on Marine Resources does hereby encourage the U. S. Food and Drug Administration to reject these costly and unnecessary rules and regulations in favor of continuing its successful work with Mississippi's oyster industry toward greater consumer education and awareness, and towards the continuation of a competitive market economy system which has served Mississippi's and America's consumers well since the founding of our state.

So ordered this the 20th day of April, 1999

Witness my hand and seal this the 20th day of April, 1999

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: 
William Mitchell, Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: 
E. G. Woods, Executive Director



MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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Fax Transmittal Sheet

Date: April 20, 1999 Total Number of Pages: 5

To: Dockets Management Branch (HFA-305)
Organization: U.S. Food & Drug Administration
Fax No.: 301-827-6870
From: Scott Gordon, Biol. Prog. Coord. (Shellfish)
Message: Re: Performance Standard for Vibrio vulnificus.
Requests For Comments. [Docket No. 98P-0504]

Attached is a copy of the MS Comm. on Marine
Resources Resolution No. 42099 for inclusion
in the comments of the above docket number.

Thanks

Scott Gordon

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NOTE: If any of these fax copies are illegible, or you do not receive the same number of pages as stated above, please contact us immediately at:

Phone: (228) 374-5000

FAX: (228) 374-5220

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